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Paper No. 13

Youti Kuo  
88 Foxbourne Road  
Penfield NY 14526

**COPY MAILED**

**OCT 14 2004**

In re Application of : **OFFICE OF PETITIONS**  
Kuo : DECISION ON PETITION  
Application No. 09/853,803 :  
Filed: May 14, 2001 :  
For: HANDHELD DIAGNOSTIC DEVICE :  
WITH RENEWABLE BIOSENSOR :

This is a decision on the petition under 37 CFR 1.137(b), filed September 10, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is not a final agency decision.

This application became abandoned October 18, 2003 for failure to timely submit a proper reply to the non-final Office action mailed July 17, 2003. The non-final Office action set a three (3) month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed March 8, 2004.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(1); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The present petition lacks requirement (1) set forth above.

As to item (1), petitioner has failed to submit a proper response to the outstanding Office action. Petitioner has included with the instant petition "Comments on Statement of Reasons for Allowance." As the instant application has not been allowed, the response is considered improper.

Any renewed petition must be accompanied by a proper response to the outstanding Office action. A response may be an amendment or a continuation application (and appropriate fee).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

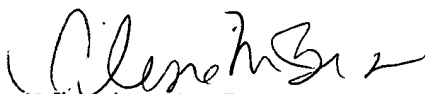
By facsimile:

(703) 872-9306

By hand delivery or  
courier service (FedEx,  
UPS, DHL, etc.):

U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street S.  
Customer Window, **Mail Stop Petition**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



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Office of Petitions